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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,410	12/04/2003	Michael Bret Hartmann	034043-002	9612

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/729,410

Applicant(s)

HARTMANN, MICHAEL BRET

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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This is the first office action for application number 10/729,410, Illuminated Jack Stand, filed on December 4, 2003.

***Information Disclosure Statement***

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

***Drawings***

The drawings are objected to because of the following:

The figures are difficult to observe because they appear to be photographs. Although the Examiner can understand the drawings enough for examination purposes, the applicant is highly advised to utilize a draftsman to increase the clarity of the figures.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s)

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should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 4, lines 31-32, it is stated, "...while working *either* underneath the vehicle." Either underneath the vehicle or...?

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the generally pyramidal shaped support body" in line 2. There is insufficient antecedent basis for this limitation in the claim. It appears claim 6 should depend from claim 5, not claim 10, and the Examiner will assume this is so.

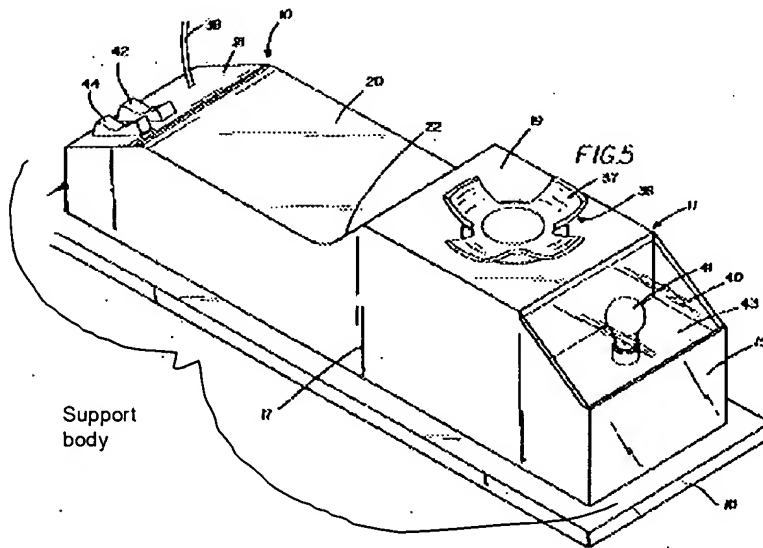
***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,992,826 to Simmonds.



Simmonds '826 discloses a jack stand (figure 5) comprising a support body (above), a vertically movable post (28,37) received within the support body, and a light source (41) mounted in the support body, wherein the light source is mounted in the body to illuminate at an upward angle from about 20-70 degrees

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from the horizontal, and from about 40-60 degrees from the horizontal (with reference to figure 5, the light source clearly illuminates from approximately -45 degrees to the horizontal through about 180 degrees, so the above mentioned ranges are clearly satisfied), wherein the stand includes a mechanism (23, 27, 35, etc.) for controlling the vertical height of the vertically movable post with respect to the support body.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,085,407 to Lonon.

Lonon '407 discloses a jack stand (figure 2) comprising a support body (2, 6, generally), a vertically movable post (2j) received within the support body, and a light source (15) mounted in the support body (via hinge, column 6, line 15, "in" is defined in Merriam Webster's Collegiate Dictionary - 10<sup>th</sup> Edition as being "toward the inside," "near," or "at close quarters", so the light source is clearly in the support body), wherein the angle of the light source to the support body is adjustable.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 5, 6, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 6,443,413 to Hawkins in view of U.S. Patent number 6,676,096 to Hung.

Hawkins '413 discloses a jack stand (figure 3) comprising a support body (12) having a generally pyramidal shape, and a vertically movable post (28) received within the support body, wherein a mechanism for controlling the vertical height of the vertically movable post with respect to the support body is a ratchet (38). However, Hawkins '413 fails to specifically teach the jack stand to include a light source mounted in the support body.

Nevertheless, Hung '096 teaches the use of a jack stand including a light source (3, 2, 20) mounted in a support body (101, generally, see figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a light source mounted in the body of the jack stand of Hawkins '413 as in Hung '096 so as to provide a sufficient illuminating source so as to assure a safe operation of the jack stand. Further, regarding claim 6, because the light source would be mounted in the support body as shown in Hung '096, it would inherently be co-planar with one of the sides of the generally pyramidal shaped support body of Hawkins '413.

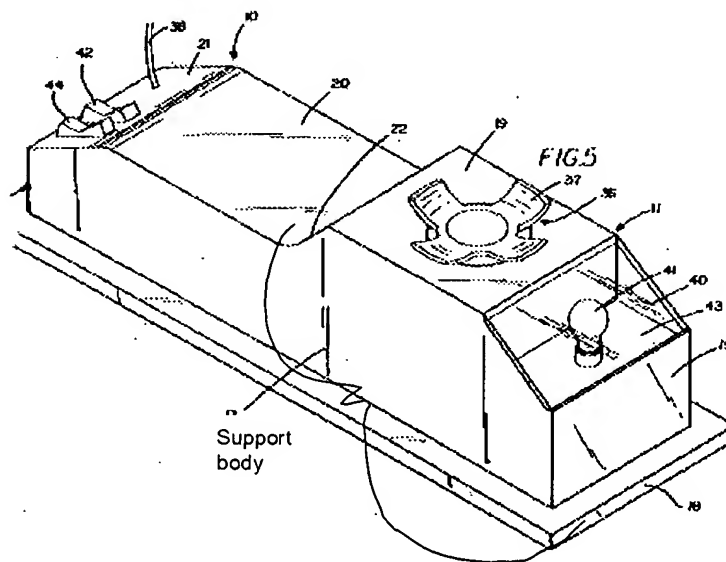
Claims 7-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of U.S. Patent Application Publication number US 2003/0201704 to Camarota et al.

Regarding claims 7 and 8, Simmonds '826 teaches the previous invention wherein the light source is adjusted via a switch (42) mounted in the support

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body, but fails to specifically divulge the switch to be an adjustable dimmer switch.

However, Camarota et al. '704 teaches the use of dimmer switch (page 2, paragraph 23) to dim a light source. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the switch of Simmonds '826 with a dimmer switch as in Camarota et al. '704 since it is well known in the art that doing so can reduce electricity consumption in addition to allowing an operator to select a desired amount of illumination.



Further, regarding claim 9, Simmonds '826 alternatively teaches the support body to be as above, so the switch is in fact remote from the support body.

Further, regarding claim 12, Simmonds '826 teaches the previous invention failing to specifically teach the light source to be a halogen lamp.



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Nevertheless, Camarota et al. '704 teaches that halogen bulbs utilize less wattage than standard bulbs (page 2, paragraph 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a halogen bulb in Simmonds '826 as in Camarota et al. '704 so as to reduce electricity costs.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of U.S. Patent number 5,381,009 to Brownell.

Simmonds '826 teaches the previous invention failing to specifically reveal the jack stand to comprise a motion sensor for turning on and off the light source. Regardless, Brownell '009 divulges the use of a motion sensor for turning on and off a light source since doing so reduces electric costs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a motion sensor with the jack stand of Simmonds '826 as in Brownell '009 so as to reduce electricity costs when the light source is not being utilized.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of U.S. Patent number 4,872,230 to Levine.

Simmonds '826 teaches the previous invention wherein the jack stand includes a power inlet (38, 39), but fails to specifically reveal the jack stand to further comprise a power outlet.

However, Levine '230 teaches a jack stand (figure 1) including a power outlet (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the jack stand of Simmonds '826

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so as to include a power outlet as in Levine '230 in order to increase the utility of the jack stand by providing power to other nearby devices or accessories plugged therein.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of Levine '230, and further in view of U.S. Patent number 6,722,635 to Erickson.

Simmonds '826 in view of Levine '230 teach the previous invention, wherein they inherently teach a method of providing illumination under a vehicle, comprising supporting a vehicle on a jack stand (that is the inherently purpose of the jack stand), but fail to specifically teach the method to comprise supporting a vehicle on a *plurality* of jack stands.

Nevertheless, Erickson '635 does in fact teach a method of supporting a vehicle on a plurality of jack stands (2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have supported a vehicle on a plurality of jack stands as in Erickson '635 so as to provide for superior support of the vehicle hence providing for a safer workplace. Moreover, Simmonds '826 in view of Levine '230, and further in view of Erickson '635 further fail to specifically teach the power *outlet* of one jack stand to be connected to a power *inlet* from a second jack stand. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have connected the power *outlet* of one jack stand to a power *inlet* from a second jack stand since such connections would be conveniently located connections, in

addition to the fact that most car cigarette lighter type outlets only comprise a single outlet and thus would only be able to power one jack stand.

Continuing, regarding claim 17, different jack stands would inherently have their light sources directed at different angles to the horizontal since, as previously discussed, each light source is directed through approximately 180 degrees.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simmonds '826 in view of Levine '230, and further in view of Erickson '635, and further in view of U.S. Patent number 6,082,806 to Bogard.

Simmonds '826 in view of Levine '230, and further in view of Erickson '635 teach the previous invention failing to specifically teach instructions for setting forth the method of claim 16 hence defining a kit. Nevertheless, Bogard '806 teaches that it is well known to provide instructions for assembly hence defining kits (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided instructions setting forth the assembly of claim 16 hence defining a kit so as to aid an end user in the assembly/set-up/use of the jack stand and method of providing illumination under a vehicle.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Few '131, Byun '082 and Gano '747 teach various jack stands.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a stylized flourish extending to the right.

Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
July 20, 2004